



# FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
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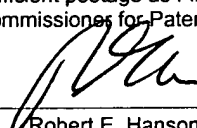
CYC

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09/08/2004

November 5, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
November 5, 2004	
Date	Robert E. Hanson

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RE: *Request for Certificate of Correction*  
*Patent No. 6,762,344 B1*  
*Dated: July 13, 2004*  
*Entitled: "METHOD OF PLANT BREEDING"*  
*Inventor(s): Spencer et al.*  
*Our ref: DEKM:157USC1*

**Certificate**  
**NOV 12 2004**  
**of Correction**

Commissioner:

Enclosed are two originals of a form PTO-1050. Issuance of a Certificate of Correction is respectfully requested under 35 U.S.C. § 255 as set forth below.

Claims 1-8 were originally issued in this case, corresponding to filed claims 83-87 and 96-98. However, claims 83-87 and 96-99 were pending at the time of the Notice of Allowance and Examiner's Amendment, which did not cancel any claims. Claim 99 was thus inadvertently not listed on the Notice of Allowance. The pending status of claim 99 was correctly identified by the Examiner in the Actions dated April 22, 2003 and earlier and no cancellation of the claim was made subsequently by Applicants or the Examiner. Although the Applicants inadvertently failed to list claim 99 in an Appendix to the Appeal Brief dated October 24, 2003 listing the appealed claims, this listing was not an amendment and the "Status of Claims" section of the Appeal Brief correctly identified claim 99 as pending. The mistake was therefore an Office mistake.

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Commissioner for Patents  
November 5, 2004  
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In addition, an error to claim 4 has been corrected. The error constituted the failure to include a change made with the Examiner's Amendment attached to the Notice of Allowability and was therefore due to a Patent Office oversight.

A Certificate of Correction is requested under 35 U.S.C. § 255. No fee is believed due in connection with this request. However, should any such fees become due in connection with this paper the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEKM:157USC1/REH.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628

REH/ht  
Enclosures

# UNITED STATES PATENT AND TRADEMARK OFFICE **CERTIFICATE OF CORRECTION**

PATENT NO. : 6,762,344 *B1*  
 DATED : July 13, 2004  
 INVENTOR(S) : Spencer et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 4, column 66, line 44, please delete "plants" and insert --plant--.

In column 66, after claim 8, please insert claim 9 as follows:

--

9. The method of claim 8, wherein said glyphosate is applied between the V4 and VT stages of development.

--.

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PATENT NO. 6,762,344 *B1*  
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